

**In the United States District Court
for the Southern District of Georgia
Brunswick Division**

GRANT PARKER SHUMANS,

Plaintiff,

v.

CV 2:22-062

DAVID L. SHUMANS; DR. RONALD
MOSLEY; and THE SATILLA RURAL
ELECTRIC MEMBERSHIP,

Defendants.

ORDER

Plaintiff Grant Shumans initiated this action on July 5, 2022. See Dkt. No. 1. On August 5, 2022, Defendant Satilla Rural Electric Membership timely moved to dismiss the Complaint. Dkt. No. 5. On August 19, 2022, Plaintiff filed an amended complaint. Dkt. No. 8. For the reasons below, Defendant's motion to dismiss is **DENIED as moot**.

LEGAL STANDARD

Under Rule 15 of the Federal Rules of Civil Procedure, a party may amend its pleading once as a matter of course within twenty-one days after service of a motion under Rule 12(b). Fed. R. Civ. P. 15(a)(1)(B). An amended pleading "supersedes the former pleading" such that "the original pleading is abandoned by the amendment, and is no longer a part of the pleader's averments

against his adversary." Dresdner Bank AG v. M/V Olympia Voyager, 463 F.3d 1210, 1215 (11th Cir. 2006) (internal quotation marks and citation omitted); see also Fritz v. Standard Sec. Life Ins. Co., 676 F.2d 1356, 1358 (11th Cir. 1982) (citations omitted) ("Under the Federal Rules, an amended complaint supersedes the original complaint.").

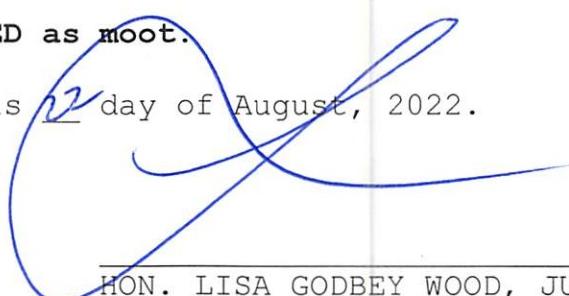
DISCUSSION

Plaintiff timely filed his amended complaint as a matter of course pursuant to Rule 15(a)(1)(B). Further, Plaintiff's amended complaint supersedes his original complaint. Defendant's motion to dismiss the original complaint, dkt. no. 5, has thus been rendered moot by Plaintiffs' filing of his amended complaint. Should Defendant wish to renew its motion to dismiss with regard to the amended complaint, it is granted leave to do so within the time prescribed by the Federal Rules of Civil Procedure.

CONCLUSION

Defendant's motion to dismiss the original complaint, dkt. no. 5, is **DENIED as moot**. Similarly, Defendant's motion to stay, dkt. no. 7, is **DENIED as moot**.

SO ORDERED, this 22 day of August, 2022.



HON. LISA GODBEY WOOD, JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA